THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.9585 of 1996

ORAL ORDER:

This writ petition is filed seeking a Mandamus declaring the impugned proceedings in Rc.No.D2/4453/95 dated 22.1.1996 of the first respondent is illegal, arbitrary and violative of principles of natural justice and consequently direct the respondents not to launch criminal prosecution unless and until the genuineness of the Teacher Training Certificates is decided as per law.

It appears, petitioners after passing their Intermediate, joined Teacher Training in course in Karnataka State in the year 1982 and obtained Teacher Training Certificates. Further, they were also selected by the District Selection Committee in the years 1984 and 1986 for the posts of Special Teachers and were posted to Vinjamur and Naidupet mandals. Thereafter, it was found that the Teacher Training Certificates of the petitioners obtained from Karnataka State were fabricated and therefore, disciplinary action was sought to be initiated against the petitioners. At that point of time, petitioners along with others filed O.A.Nos.2268 and 2269 of 1991 along with M.A.No.2807 of 1991 before the A.P. Administrative Tribunal. The Tribunal by its order dated 3.12.1998 disposed of the said matters observing that pursuant to the interim orders dated 21.1.1991, the petitioners are continuing in service and if they have acquired necessary qualifications as prescribed by the A.P. State Government, the respondents are directed to pass appropriate orders in accordance with rules. However, in the meanwhile, during the pendency of the said O.As., criminal prosecution was launched, which is the subject matter of this writ petition.

It is stated by the learned counsel for petitioner that taking into

consideration of petitioners' long period of service served as per the directions of the Court, Government issued G.O.Ms.No.180 dated 30.12.2004 according permission to 197 Teachers, who are continuing in service working on Karnataka Secondary Grade Teacher Certificates in various Districts of A.P. by giving them three years time to acquire training qualification in one of the DIETs of A.P. Government and thereafter they would be eligible for regular scales as Teachers. According to the petitioners, their names were also included in the 197 list of persons.

In view of the orders passed in O.A.Nos.2268 and 2269 of 1991 dated 3.12.1998 and also in view of G.O.Ms.No.180 dated 30.12.2004, I am of the opinion that the question of launching criminal prosecution against the petitioners does not arise, therefore, the impugned proceedings are liable to be set aside.

In the result, the writ petition is allowed and the impugned order in Rc.No.D2/4453/95 dated 22.1.1996 of the first respondent is set aside. No order as to costs.

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C.V.RAMULU,
J

Date: 21.11.2006

DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.9585 of 1996

21.11.2006

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.9585 of 1996

Date: 21st November, 2006

Between:

T.Srinivasa Rao & another.

Petitioners

And

The Chief Executive Officer,
Zilla Parishad, Nellore & another.

.. Respondents